

Administration

Employee
ResponsibilitiesOutside Employment:
Supervisor
Responsibilities**OVERVIEW:**

- .01 ✂ The Laboratory seeks to avoid conflict-of-interest situations ✂ whenever possible. It is the supervisor's responsibility to ensure the conflict-of-interest policies are observed.

AVOIDING CONFLICT-OF-INTEREST SITUATIONS:

- .02 Supervisors should make themselves aware of the outside employment of their employees so they may advise their employees about conflict-of-interest policies. Supervisors should also deny approval of an employee's outside employment if it interferes with the proper and effective performance of the employee's Laboratory duties or it conflicts with the interests of the Laboratory, University of California (UC), and/or the Department of Energy (DOE). Outside activities should also be denied if they violate the intent of this subject even though the legal form appears to comply.

NOTE: In this subject, outside employment includes any business or employment activity such as teaching or any commercial, industrial, or corporate enterprise that results in some gain, benefit, advantage, or livelihood to an individual or organization. These policies apply whether the employee is doing business as an individual or as a company in which he or she has a proprietary ownership, equity interest, or contractual arrangement.

USE OF LABORATORY FACILITIES:

- .03 Regardless of whether special approval is required, Laboratory facilities, locations, supplies, equipment, or resources must not be used for unofficial purposes. This does not preclude the employee teaching at Laboratory locations under contract with the University of New Mexico or using the J. Robert Oppenheimer Study Center Library.

PROPER AND OBJECTIVE SUPERVISOR PERFORMANCE:

- .04 Supervisors are prohibited from engaging in outside activities that may interfere with their supervisory activities. For example, hiring subordinates to work in their outside business or soliciting business from subordinates or outside entities that may work

Outside Employment: Supervisor Responsibilities

with the Laboratory may interfere with the supervisors' proper and objective supervisory performance.

- .05 Relationships with subordinates that affect or appear to affect an official action (for example, an offer of employment), the terms and conditions of employment (for example, a performance assessment), or a contract award are conflicts of interest and are prohibited. *See also* [AM 711](#), *Sexual Harassment*.

LABORATORY CONSULTING ASSIGNMENT:

- .06 The Laboratory may assign an employee to consult for an organization that the employee may be prohibited from contracting with independently, as described in .09. This type of assignment does not require completion of the Outside Activity Permission Request Form, Form 701. The appropriate division-level manager arranges cost reimbursement with the outside organizations and appropriate Laboratory administrative organizations **before any work is performed**. Because these activities are performed on Laboratory time, any reimbursement accrues to the Laboratory and not to the employee. *See* [AM 718](#), *Lectures, Seminars, Speeches, and External Advisory Committees*.

ADVISORY COMMITTEES, REVIEW PANELS, AND STUDY GROUPS:

- .07 Line management may allow an employee to participate in UC advisory committees, review panels, and study groups. Such activities are not regarded as outside employment. Although a Form 701 is not required, the division-level manager, after consultation with the Associate Director (AD), submits a memo to the AD for approval. Approval is granted based on programmatic benefit. If the division-level manager is concerned about a potential conflict of interest, the division-level manager should contact Laboratory Counsel (LC) for advice. Other non-UC advisory committees, review panels, and study groups may require a Form 701. *See also* [AM 718](#), *Lectures, Seminars, Speeches, and External Advisory Committees*.

APPROVALS:

Outside Employment: Supervisor Responsibilities

Outside Employment Requiring AD Approval

- .08 The following types of outside employment require the completion of a Form 701 and approval by the employee's line management before work can begin:

Working in the energy or national security fields,

Working for a government agency or contractor,

Working for another unit of the University of California,

Teaching for a college or university,

Working for an organization whose activities are scientific or technical in nature, or

Consulting or comparable employment service.

Outside Activities That May Not Be Approved

- .09 The AD should usually deny the request to approve a 701 activity if it,

Relates to a contract with the Laboratory, DOE, or any other federal government agency for which the Laboratory does similar work;

NOTE: If the Laboratory is not assigned by DOE to do the work for another DOE integrated contractor or a Department of Defense (DoD) agency, the Laboratory employee may be allowed to engage in the outside activity to serve the needs of the government agency contracting for the services.

Creates & a conflict-of-interest situation;

Has the potential for disclosure of privileged information as it is described in [AM 721](#), Privileged Information; or

Subjects or appears to subject the Laboratory and/or DOE to public embarrassment or criticism.

Withdrawing Approval

- .10 After a 701 activity has been approved, approval may be withdrawn because changes in circumstances result in

Interference with the performance of the employee's regular duties or

A real or apparent conflict of interest.

Outside Employment: Supervisor Responsibilities

- | | | |
|---------------------------|-----|---|
| Length of Approval | .11 | Form 701 approvals for each specific activity must be renewed annually from the date of initial approval. |
|---------------------------|-----|---|

FORM 701 REVIEW:

- | | | |
|--------------------------|-----|---|
| Supervisor Review | .12 | After receipt of the employee's Form 701, the supervisor reviews the form and evaluates the potential for interference with the performance of the employee's Laboratory duties and the potential conflict of interest with Laboratory policies. If the outside activity will not interfere with performance and no conflict of interest is apparent, the supervisor submits the evaluation and the form to the appropriate division-level manager. |
|--------------------------|-----|---|

- | | | |
|------------------------|-----|---|
| Division Review | .13 | The division-level manager reviews the Form 701 and the supervisor's evaluation. If the outside activity does not interfere with the programmatic requirements of the division and does not create a conflict of interest with the Laboratory, UC, or DOE, the division-level manager may approve the employment or business activity by indicating this on the form and forwarding it to LC. |
|------------------------|-----|---|

- | | | |
|----------------------------------|-----|---|
| Laboratory Counsel Review | .14 | LC reviews the Form 701 and any additional information that may be available to determine whether there is a conflict of interest, real or apparent, and forwards the form to the cognizant AD. |
|----------------------------------|-----|---|

- | | | |
|--------------------|-----|---|
| AD Decision | .15 | The cognizant AD approves or disapproves the request. |
|--------------------|-----|---|

- | | | |
|-------------------------------|-----|---|
| DESALLOWED ACTIVITIES: | .16 | After an employee has established an employment relationship with an outside organization, he or she may not

Participate in negotiations with, or selection of, a subcontract for which such outside organization is being considered. |
|-------------------------------|-----|---|

Outside Employment: Supervisor Responsibilities

Prepare for the Laboratory or DOE an evaluation of the technical capabilities or performance of such outside organization.

Prepare for the Laboratory or DOE an evaluation of the technical capabilities or performance of a competitor of such outside organization.

Participate in any contract activity, such as termination or award fee evaluation, of such outside organization or its competitors.

Engage in an activity if it subjects the Laboratory or DOE to public embarrassment or criticism.

FOREIGN EMPLOYMENT: .17 In addition to the above, prior approval is required from the Deputy Assistant Secretary for Military Application (DASMA) through the Personnel and Information Security Group (OS-15) for any proposed arrangement where a Laboratory employee receives fees for consulting or comparable employment from a foreign government or organization. (OS-15 collects the paperwork from the employee and transmits it to DASMA but is not involved in the approval process.) At least 30 days before the expected action date, the employee sends a memorandum from or through the appropriate division-level manager to OS-15 containing the following information:

Name of employee,

Relevant dates,

Cities and institutions to be visited,

Subject matter of the consultancy or discussion, and

Type and amount of remuneration.

NOTE: This prior additional approval from DASMA is not required if any payments or reimbursements, in whatever form, are to come from an international organization (for example, the International Atomic Energy Agency [IAEA] or the North Atlantic Treaty Organization [NATO]) that the United States supports as a matter of government policy. ✍.

Outside Employment: Supervisor Responsibilities

The employee must attach a copy of the Form 701 indicating that the all Laboratory approvals have been received.

DISCIPLINARY ACTION: .18 Failure to comply with these provisions may result in disciplinary action, up to and including termination of employment.